

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WENDY SWOLINZKY d/b/a BOOKABOAT,)
Plaintiff,)
)
VS.) C.A. NO. 1:16-cv-10669-
)
ADB BEVERLY WRIGHT, SPENCER BOOKER,)
and JAMES NEWMAN, as they are the)
AQUINNAH BOARD OF SELECTMEN, and)
BEVERLY WRIGHT, individually, and)
VERNON WELCH)
Defendants.)

)

JOINT STATUS REPORT

Pursuant to the Court's April 9, 2019 Electronic Order, the parties report to the Court as follows:

1. As the remaining counterclaims and crossclaims asserted by Mr. Welch all arise under common law, the Parties agree and would propose that the Court now enter and Order remanding those remaining state law claims to the Superior Court as this action was filed in the Superior Court of the Commonwealth of Massachusetts in and for Dukes County, entitled Wendy Swolinzky, d/b/a Bookaboot v. Aquinnah Board of Selectmen, et. al., Civil Action No. DUCV2013-00049.
2. The Parties seek to have Final Judgment entered so as to enable them to exercise their rights to appeal the Decision to the First Circuit Court of Appeals forthwith, if any.
3. As referenced by this Court in its summary judgment decision, Plaintiff intends on pursuing a claim pursuant to M.G.L. c. 79, § 14, for an assessment of damages arising out of the Defendants' taking of the Plaintiffs' properties by eminent domain in Superior Court.

Respectfully submitted,
The Plaintiff,
WENDY SWOLINZKY d/b/a BOOKABOAT,
By her attorneys,

LAW OFFICES OF TIMOTHY M. BURKE

The Defendants,
BEVERLY WRIGHT, SPENCER BOOKER,
JAMES NEWMAN, as they are the
AQUINNAH BOARD OF SELECTMEN,
and BEVERLY WRIGHT, Individually,
By their attorneys,
PIERCE DAVIS & PERRITANO LLP

/s/ Timothy M. Burke

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Defendant,
VERNON WELCH,

By his Attorneys,

/s/ Marilyn H. Vukota

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on April 12, 2019

/s/
